

Amendments to the Claims

Please amend Claims 1, 2, 5, 9, 10, 13, 14, and 17. The Claim Listing below will replace all prior versions of the claims in the application:

Claim Listing

1. (Currently Amended) An apparatus for assisting in the remote safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
an electro-mechanical actuator positioned inside the tailgate arranged to open tailgate latches; and
a module ~~which~~ that controls a descent of the tailgate upon opening of the tailgate latches, wherein the module includes a pre-tensioned spring ~~with and a~~ lost motion mechanism that arrests the tailgate in a partially opened position.
2. (Currently Amended) The apparatus of Claim 1, wherein the electro-mechanical actuator provides for electro-mechanical opening of the tailgate latches or opens the tailgate latches without interfering with a manual opening of the tailgate latches.
3. Canceled.
4. (Previously Presented) The apparatus of Claim 1, wherein the pre-tensioned spring is a torsion rod.
5. (Currently Amended) The apparatus of Claim 1, wherein the pre-tensioned spring is a spiral wound spring ~~linkage on the tailgate~~.
6. (Original) The apparatus of Claim 1, further comprising an electrical switch which sends a warning signal indicating the tailgate is ajar.

7. Canceled.
8. Canceled.
9. (Currently Amended) An method for assisting in the remote and safe opening of a tailgate pivotally attached to a bed of a truck, comprising:
 - opening tailgate latches with an electro-mechanical actuator positioned inside the tailgate; and
 - upon opening of the tailgate latches, controlling a descent of the tailgate with a module by arresting the tailgate in a partially opened position, the module including with a pre-tensioned spring with and a lost motion mechanism.
10. (Currently Amended) The method of Claim 9, wherein opening tailgate latches with an electro-mechanical actuator provides for electro-mechanical opening of the tailgate latches or is accomplished without interfering with a manual opening of the tailgate latches.
11. Canceled.
12. (Previously Presented) The method of Claim 9, wherein the pre-tensioned spring is a torsion rod.
13. (Currently Amended) The method of Claim 9, wherein the pre-tensioned spring is a spiral wound spring ~~linkage on the tailgate~~.
14. (Currently Amended) The method of Claim 9, further comprising indicating the tailgate is ajar through a warning indicator.
15. Canceled.

16. Canceled.
17. (Currently Amended) An apparatus for remotely opening a tailgate of a truck, comprising:
 - means for actuating tailgate latches to open the tailgate; and
 - means for arresting the tailgate in a partially opened position, wherein the means for arresting includes a pre-tensioned spring and a lost motion mechanism.